

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SUSAN M. SMITH,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-20-124-SM
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant.)	

ORDER

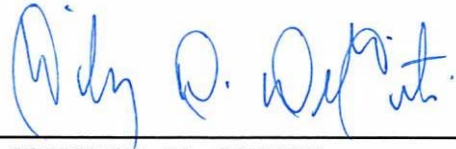
This matter is before the Court in connection with the issuance of a Report and Recommendation [Doc. No. 19] by United States Magistrate Judge Suzanne Mitchell. In her Report, Judge Mitchell recommended that Plaintiff’s Amended Complaint [Doc. No. 8] be dismissed under FED. R. CIV. P. 12(b)(6), subject to the doctrine of res judicata. Specifically, Judge Mitchell concluded that Plaintiff “may not keep challenging the same Commissioner’s final decision.” [Doc. No. 19 at 3].

Judge Mitchell advised Plaintiff of her right to object and directed that any objection be filed on or before August 24, 2020. Judge Mitchell further advised Plaintiff that any failure to object would result in a waiver of the right to appellate review. The deadline for filing objections has passed. To date, Plaintiff has not filed objections and has not sought an extension of time in which to do so.

Accordingly, Judge Mitchell’s Report and Recommendation [Doc. No. 19] is **ADOPTED** as though fully set forth herein. Plaintiff’s Amended Complaint [Doc. No. 8] is **DISMISSED** with prejudice under FED. R. CIV. P. 12(b)(6). Defendant’s Motion to

Dismiss [Doc. No. 13] is **GRANTED**, and Plaintiff's request for fees [Doc. No. 8 at 2] is **DENIED**. A judgment shall be issued forthwith.

IT IS SO ORDERED this 1st day of September 2020.



TIMOTHY D. DeGIUSTI
Chief United States District Judge